

**REMARKS**

Favorable reconsideration is respectfully requested in light of the following remarks, wherein Claim 1 is amended. Currently, Claims 1-6 are pending in the present application.

Claims 1-6 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 787,960 to *Temple*.

Applicants express gratitude to Examiner Lopez for the courtesies granted Applicants' attorney during the recent interview. During the interview, the prior art reference to *Temple* was discussed, as well as proposed amendments to Claim 1. The Examiner agreed that certain claim amendments appeared to further clarify the features of the claimed invention, and therefore, overcome the art of record. Applicants are amending Claim 1 consistent with that agreement.

In particular, Claim 1 is amended to recite that the tool is movable within the frame. None of the art of record discloses these patentable features.

In contrast, *Temple* discloses a piston cylinder *a*, within which a piston rod *e* moves. The external end of the piston rod is adapted to hold or operate any desired operating tool, such as a hammer, chisel, riveting, or cutting tool. As such, the tool is not located within the frame, but rather external to the frame. Accordingly, *Temple* fails to the feature that the tool is movable within the frame, as now recited in independent Claim 1.

For at least the foregoing reasons, it is submitted that the apparatus of Claim 1, and the claims depending therefrom, are patentably distinguishable over the applied document. Accordingly, withdrawal of the rejections of record and allowance of this application are earnestly solicited.


Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, it is respectfully requested that the undersigned be contacted at the number indicated below.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

Date: December 17, 2009  
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